

Goa, 10th November, 1966

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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN
AND DIU

Secretariat

Notification

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter no. F.7(11)/62-Goa dated the 25th July 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to the non-gazetted posts under the Government of Goa, Daman and Diu (excepting Secretariat).

1. Short title. — These rules may be called Goa Government, Non-gazetted posts (excepting Secretariat) Recruitment Rules 1966.

2. Application. — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. Number, classification and scale of pay. — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. Method of recruitment, age limit and other qualifications. — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date. An appointment made prior to this date through a duly constituted Staff Selection Board/Departmental Promotion Committee will be deemed to be a regular appointment, notwithstanding any provisions contained in these rules, and the probation period in that case will extend to six months only from the date of this notification.

G. K. Bhanot

Chief Secretary

Panjim, 20th September, 1966.

SCHEDULE

Name of post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees	Two years	Method of recruitment whether by direct recruitment or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made	If a DPC exists, U. P. S. C. what is to be considered in its composition making recruitment	Circumstances in which U. P. S. C. is to be consulted in its composition making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Assistant Store or Godown Keeper or Store Clerk	—	Class III (Non-ministerial) (Non-gazetted)	Rs. 130-3-131-4-155-EB-4-175-5-180.	N. A.	18 to 22 years	1. Matriculation or equivalent qualification. 2. Experience of handling and knowledge of the concerned stores of the department.	N. A.	Two years	Transfer, failing which, direct recruitment.	Transfer: A. L. D. C. of the Department.	N. A.	As required under the rules.
2. Store or Godown Keeper	—	Do	Rs. 130-5-160-8-200-EB-8-256-EB-8-280-10-300.	Selection	21 to 25 years	1. Intermediate / Higher Secondary / Senior Cambridge or equivalent. 2. About 2 years' experience of handling and knowledge of the concerned stores of the department, including their proper custody and accounting.	N. A.	Do	Promotion, failing which, transfer, failing both direct recruitment.	Promotion: Assistant Store or Godown Keeper, with 3 years' standing in the grade. Transfer: U. D. C. of the department.	Class III D.P.C.	Do
1. Office Superintendent, Department of Cooperation (Marketing Wing)	One	Class III (Ministerial) (Non-gazetted)	Rs. 168-8-256-EB-8-280-10-300.	N. A.	N. A.	N. A.	N. A.	Do	Promotion.	Promotion: A. U. D. C. of the department with two years' standing.	Do	Do
2. Office Superintendent, Department of Cooperation	Do	Do	Rs. 250-10-290-15-380.	Do	Do	Do	Do	Do	Do	Promotion: Head Clerk of the Department with two years' standing.	Do	Do
3. Head Clerk, Department of Fisheries	Do	Do	Rs. 210-10-290-15-320-EB-15-425.	Selection	Do	Do	Do	Do	Do	Promotion: Head Clerk or equivalent with two years' standing in the grade.	Do	Do
4. Office Superintendent, Department of Animal Husbandry and Veterinary Services	Do	Do	Rs. 200-15-380-20-500.	Do	Do	Do	Do	Do	Do	Promotion: Head Clerk or equivalent with three years' standing in the grade.	Do	Do

			N.A.	N.A.	Do	Promotion:	
Office Superintendent, Public Works Department	One	Class III (Mindseterial) (Non-gazetted)	Rs. 350-20-450-25-475.	Do	N.A.	Do	Head Clerk or equivalent with three years' standing in the grade.
Office Superintendent, Education Department	Do	Do	Rs. 350-25-575.	Do	Do	Promotion or transfer	Head Clerk or equivalent, with five years' standing in the grade.
					Do		A Superintendent of the Secretariat.

Notification

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter no. F.7(11)/62-Goa dated the 25th July 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to the post of Deputy Superintendent of Police under the Government of Goa, Daman and Diu.

1. **Short title.**—These rules may be called Goa Government Police Department (Deputy Superintendent of Police posts) Recruitment Rules, 1966.

2. Application. — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. Number, classification and scale of pay. — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. Method of recruitment, age limit and other qualifications. — The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

(a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and

(b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

G. K. Bhanot
Chief Secretary.

Panjim, 29th September, 1966:

SCHEDULE

Name of post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post.	Age limit for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by deputation/transfer and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made	If a DPC exists, U. P. S. C. is to be considered in making recruitment	Circumstances in which Class As required under the rules.	
	1	2	3	4	5	6	7	8	9	10	11	12	13
Deputy Superintendents of Police	7	General Central Service Class II (Gazetted)	Rs. 350-25-475-25-650-EB-900.	Selection	35 years and below (Relaxable for Govt. servants)	Essential: i) Degree of a recognised University or equivalent; ii) Knowledge of one or more local languages. (Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified).	Age No Qualifications: Must be at least a Matriculate	2 years	40% by Promotion falling which by transfer on deputation falling both by direct recruitment; 60% by direct recruitment.	Promotion: Police Inspectors (Executive & C. I. D.) and Police Inspectors (Armed) with at least 7 years experience in the same grade. Transfer on deputation. A suitable officer holding analogous posts in a State/Central Government.	(Period of deputation -- ordinarily not exceeding 3 years).	Class As required under the rules.	

Home Department

Notification

HD-25-2490/66-A

The following draft notification which is proposed to be issued under Section 68 of the Motor Vehicles Act, 1939 (4 of 1939) and all other powers enabling the Government in that behalf, is hereby published as required by sub-section (1) of section 133 of the said Act for the information of the public. Anybody who desires to make any suggestions may forward their views to the Chief Secretary to the Government of Goa, Daman and Diu, Secretariat, Panjim, within 30 days from the date of publication in the Government Gazette.

Draft Notification

In exercise of the powers conferred by section 68 of the Motor Vehicles Act, 1939 (4 of 1939) and all other powers hereunto enabling, the Government of the Union Territory of Goa, Daman and Diu hereby makes the following rules, namely:

1. **Short title and commencement.** — (1) These rules may be called the Goa, Daman and Diu Tourist Vehicles Rules, 1966.

(2) They shall come into force on

2. **Definitions.** — In these rules, unless the context otherwise requires, —

(a) «permit» means a permit issued under section 51 of the Motor Vehicles Act, 1939;

(b) «Schedule» means a schedule annexed to these rules;

(c) «State» includes a Union Territory;

(d) «Tourist motor cab» means a motor cab on the permit relating to which an endorsement is made by the State Transport Authority of the State in which such permit is granted, to the effect that it is a tourist motor cab;

(e) «Tourist omnibus» means an omnibus on the permit relating to which an endorsement is made, by the State Transport Authority of the State in which such permit is granted, to effect that it is a tourist omnibus;

(f) «Tourist Vehicle» means a tourist motor cab or a tourist omnibus.

3. **Endorsement on permits of vehicles.** — (1) The State Transport Authority may in accordance with the provisions of this rule, make an endorsement on any permit granted in the State in relation to any motor cab or omnibus to the effect that the vehicle to which the permit relates is an All India tourist vehicle:

provided that at no time shall the total number of

- (i) motor cabs in respect of which such endorsements are in force shall exceed fifty; and
- (ii) omnibuses in respect of which such endorsements are in force shall exceed ten.

(2) Any person who holds a permit issued in the State in relation to a motor cab or an omnibus may apply in the form specified in Schedule I, to the

State Transport Authority for an endorsement on the permit to the effect that the vehicle to which the permit relates is a tourist vehicle.

(3) An application under sub-rule (2) shall be accompanied by a fee of Rs. 100/- and shall be made not less than six weeks before the date on which it is desired that the endorsement shall take effect or, if the State Transport Authority appoints a date for the receipt of such applications, on such date.

(4) On receipt of an application under sub-rule (2), the State Transport Authority shall make the application available for inspection at the office of that Authority and shall publish the application or the substance thereof in the Official Gazette together with a notice of the date before which representations in connection therewith may be submitted by —

- (i) any person who holds a permit on which an endorsement has been made under this rule;
- (ii) any local or police authority in the State within a period of not less than thirty days from the date of such publication, on or after which any application or any representation received will be considered.

Provided that, if the making of any endorsement in accordance with the application would have the effect of increasing the number of vehicle bearing such endorsements beyond the limits issued in that behalf under the proviso to sub-rule (1) or if the vehicle in respect of which the application is made is registered more than one year before the date of the application, the State Transport Authority shall summarily reject the application without following the procedure laid down in this rule.

(5) No representation in connection with an application referred to in sub-rule (4) shall be considered by the State Transport Authority unless it is made in writing before the appointed date and unless a copy thereof is furnished simultaneously to the applicant by the person making such representation.

(6) The State Transport Authority shall, having regard to the provisions of sub-rule (7) and the representations, if any, made under rule (4) in relation to an application, consider the application and may either make the endorsement or refuse, for reasons to be recorded in writing, to make the endorsement.

(7) In making or refusing to make an endorsement the State Transport Authority shall have regard among other things to the suitability of the vehicle for tourist purposes and the interests of the public generally.

(8) Any person aggrieved by the order of the State Transport Authority refusing to make an endorsement under sub-rule (6) may prefer an appeal, in the form of a memorandum signed by the appellant, to the State Government, within 20 days from the date of pronouncement of such order. The memorandum shall be accompanied by a certified copy of the order appealed from. The decision of the State Government on an appeal under this sub-section shall be final.

4. Validity of endorsement and cancellation or suspension of endorsement. — (1) An endorsement made on a permit under rule 3 shall cease to be valid on the expiry of the period for which the permit has been granted.

(2) If the State Transport Authority has reason to believe that a vehicle on the permit relating to which an endorsement has been made by it under rule 3 —

(a) has been, or is being, used in contravention of the provisions of rules 6, 7 and 8;

(b) being an omnibus, fails to comply with the requirements of sub-rules (3) and (4) of rule 9 or has been, or is being, used in contravention of the provisions of sub-rules (1) and (2) of that rule, that authority may, after giving the holder of the permit an opportunity to be heard, either suspend the endorsement for such period as it may think fit or cancel the endorsement.

(3) Any person aggrieved by the order of the State Transport Authority under sub-rule (2) may prefer an appeal, in the form of a memorandum signed by the appellant, to the State Government within twenty days from the date of pronouncement of such order. The memorandum shall be accompanied by a certified copy of the order appealed from. The decision of the State Government of such appeal shall be final.

5. Information of endorsements to be sent to other State Transport Authorities. — (1) Where an endorsement is made by the State Transport Authority under rule 3, that authority shall forward to each of the State Transport Authorities in the other States information relating to the endorsement and the vehicles to which the endorsement relates in the form specified in Schedule II.

(2) Where an endorsement is suspended or cancelled by the State Transport Authority under sub-rule (2) of rule 4, that authority shall forward to each of the State Transport Authorities in the other States —

- (i) information relating to the suspension or cancellation in the form specified in schedule III; and
- (ii) where an appeal has been preferred against such suspension or cancellation, a copy of the decision in such appeal.

(3) The State Transport Authority shall also forward, at intervals of three months, a statement in the form specified in Schedule IV giving classified information in regard to the endorsements made by that Authority under rule 3 which are valid on the date of the statement.

6. Tourist vehicles not to be used for carriage within the State. — No Tourist vehicle shall be used for any carriage for hire or reward in which, according to the contract made by the parties, the place of departure and the place of destination are both situated within the State.

7. Special rules for drivers and conductors of tourist vehicles. — (1) The driver of a tourist vehicle shall —

(a) wear a khaki or a white uniform consisting of long trousers and a bush shirt or coat having two pockets, with the letter 'T' sewn on the left hand pocket of the bush shirt or coat;

(b) possess at least an elementary knowledge of the mechanism and maintenance of the vehicle he drives;

(c) have a working knowledge of Hindi and English provided that where the driver is accompanied by a conductor having a working knowledge of either or both the languages, it shall not be necessary for the driver to possess a working knowledge of that language or, as the case may be, of those languages.

(2) The conductor, if any, of a tourist vehicle shall wear the same uniform as a driver is required to wear under sub-rule (1).

8. Special rules as to painting and marking of tourist vehicles. — (1) The body of a tourist omnibus shall be painted in aluminium colour and that of a tourist motor cab in grey colour.

(2) The letter 'T' and the serial number allotted by the authority making the endorsement on the permit relating to the vehicle shall be painted on the front fender and also the rear fender of a tourist vehicle. The letter and numerals required to be painted under this sub-rule shall be painted on a white surface enclosed by a circle drawn in red and shall not be less than two inches in height and one and a half inches in breadth.

(3) No Transport vehicle other than tourist vehicle shall be painted in the manner prescribed in sub-rule (1).

9. (1) Every tourist omnibus shall have a conductor.

(2) No tourist omnibus shall carry more than twenty four persons excluding the driver and the conductor.

(3) A tourist bus shall be constructed so as to provide for gangway, seating space, seats, head-room or internal height, driver's seat, urinal etc., in accordance with the specification given in Schedule V.

(4) The following amenities shall be provided in a tourist bus, namely:

- (a) radio;
- (b) loudspeaker;
- (c) reading material such as newspapers, periodicals etc., and
- (d) arrangements for supply of drinking water.

10. Countersignature not necessary in respect of tourist vehicles belonging to other States. — Subject to the provisions of rules 6, 7, 8 and a permit granted in relation to any tourist motor cab or a tourist omnibus in any other State shall be valid in the State without countersignature, if there are in force in that other State rules similar to these rules.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Vaz, Under Secretary, Home Department.
Panjim, 20th October, 1966.

SCHEDULE I

[See rule 8(2)]

Application for the grant of endorsement on the permit of a motor cab/omnibus for countrywide operation under the Goa, Daman and Diu Tourist Vehicles Rules, 1966.

I/We the undersigned apply for endorsement on the following permit for countrywide operation: —

1. Description of permit.
2. (i) Number of permit and the date of issue.
- (ii) Date of expiry.
- (iii) Particulars of vehicles (a).
1. Make of the vehicle...
2. Year of manufacture...
3. (a) Year of registration...
- (b) Registration No. ...
4. Type of body...
5. Number of cylinders...
6. Horse power...
7. Chassis Number...
8. Engine Number...
9. Seating Capacity...
10. Laden weight...
11. Unladen weight...
12. Colour of body...
13. Date of grant of permit...
14. Date of the grant of endorsement...
15. Date on which the permit or the endorsement will expire...

3. I/We declare to fulfil/abide by the conditions laid down in Goa, Daman and Diu Tourist Vehicles Rules, 1966.

4. This is with reference to the circular dated... inviting applications for the endorsement.

(N. B. Strike out the portion that is not applicable).

Signature or thumb impression of applicant(s)

To be filled in the office of the Transport Authority.

1. Date of receipt.
2. Date of publication.
3. Date or dates of hearing of objections.

4. Granted subject to the Goa, Daman and Diu Tourist Vehicles Rules 1966. Granted in modified form on the day of 19... subject to Goa, Daman and Diu Tourist Vehicles Rules, 1966. The serial number allotted to the Vehicle is ... Rejected.

Secretary,

State Transport Authority.

SCHEDULE II

[See rule 5(1)]

Intimation to the State Transport Authorities in other States regarding grant of endorsement on the permit of a vehicle under the Goa, Daman and Diu Tourist Vehicles Rules, 1966.

To

The State Transport Authority

...

The permit relating to the following transport vehicle(s) has been endorsed for operation as tourist vehicle (s) under the Goa, Daman and Diu Tourist Vehicles Rules, 1966.

No.	Serial Number allotted to the vehicle	Type of the vehicle	Year of Manufacture	Year of registration and Registration No.	Type of body	Number of Cylinders	Horse power	Chassis number	Engine Number	Seating capacity	Laden weight	Unladen weight	Colour of body
1	2	3	4	5	6	7	8	9	10	11	12	13	14

Secretary, State Transport Authority.

SCHEDULE III

[See rule 5(2)]

Intimation to the State Transport Authorities in other States regarding suspension and cancellation of endorsement on the permit of a tourist vehicles under the Goa, Daman and Diu Tourist Vehicles Rules, 1966.

To

The State Transport Authority,

...

The endorsement granted on permit No. ... in respect of tourist vehicle bearing serial number ... registered in the name of ... and communicated to you under this Authority's letter No. ... dated ... has been suspended/cancelled with effect from ... day of ... 196 under rule 4(2) of the Goa, Daman and Diu Tourist Vehicles Rules, 1966.

Secretary,
State Transport Authority.

SCHEDULE IV

[See rule 5(3)]

Intimation to the State Transport Authorities in other States regarding grant of endorsement on the permits relating to the vehicles during the quarter ending ..., 19...

To

The State Transport Authority,

...

The permits relating to the Motor Vehicles particulars of which are given below bear valid endorsements for operation as tourist vehicle on ...

Number	Sr. No. allotted to vehicle(s)	Class of vehicle (Motor cab)	Make, Model & year of manufacture	Registration No.	Permit No.	Date of expiry of permit
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Secretary,

State Transport Authority.

SCHEDULE V

As required by rule 9(3) of the Goa, Daman and Diu Tourist Vehicles Rules, 1966, a tourist vehicle (omnibus) shall be constructed so as to provide for the following:—

1. A gangway having width of 65 c.m. and length of 435 cms.
2. No. of seats shall be 24 excluding driver and the conductor.
3. The size of each seat will be 42' 5 cms×42' 5 cms.
4. The head-room or internal height will be 190 cms.
5. The driver's seat will be of the 40cm×40 cms and*
6. The urinal will cover an area of 1mm×1 meter.

* the driver's, cabin shall be separated from the rest of the bus by a sound proof partition to avoid diversion to the driver's attention by the radio.

Planning and Development Department

ORDER

CS/2882/66

In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) read with the Notification of the Government of India in the Ministry of Food, Agriculture, Community Development and Cooperation (Department of Food) G. S. R. No. 906 dated 9th June 1966, the Administrator of Goa, Daman and Diu hereby makes the following Order to further amend the Goa, Daman and Diu, Rice (Control on Prices,

Regulation of Disposal and Acquisition) Order, 1965 namely:—

1. *Short title and commencement* — (1) This Order may be called the Goa, Daman and Diu, Rice (Control on Prices, Regulation of Disposal and Acquisition) (Amendment) Order, 1966.

(2) It shall come into force at once.

2. In the Goa, Daman and Diu, Rice (Control on Prices, Regulation of Disposal and Acquisition) Order 1965 (hereinafter referred to as the Principal Order) for the existing clause 2(d) the following clause shall be substituted namely:—

2(d) «Stock-holder» means a land-lord or a person engaged in the production or the business of the purchase, sale or storage for sale of rice whether or not such business is carried on in addition to any other business and includes also any person who has in his possession or control any stock of rice exceeding five quintals.

3. In clause 5 of the Principal Order as amended by the Goa, Daman and Diu, Rice (Control on Prices, Regulation of Disposal and Acquisition) (Amendment) Order 1965 after sub-clause (4) the following sub-clause (5) shall be added.—

(5) The Government or the Specified Authority may from time to time issue to stock holder or person in charge of a rice mill such directions regarding the maintenance of stock, storage, preservation, movement and delivery of rice as it may deem fit.

4. After the clause 7(1) of the Principal the following sentence shall be added, namely:—

«The specified authority or any other officer authorized by Government in this behalf may seize any rice whether discovered during the course of a search or otherwise, in respect of which he believes a contravention of the provisions of this Order or any direction issued under it, has been committed or is attempted to be committed».

By order and in the name of the Administrator of Goa, Daman and Diu.

R. K. Gupta, Deputy Secretary (Planning).

Panjim, 1st November, 1966.

Finance Department

Notification

FD/F.III/2-36/Part/4924/66

The following amendments which are proposed to be made to the Goa, Daman and Diu Sales Tax Rules, 1964, are hereby pre-published as required under Section 36(1) of the Goa, Daman and Diu Sales Tax Act, 1964. Any suggestions with regard to the proposed amendments may please be communicated to the undersigned within a period of fifteen days from the date of its publication, after which the draft will be taken into consideration.

DRAFT

In exercise of the powers conferred by Section 36 of the Goa, Daman and Diu Sales Tax Act, 1964, the Government hereby makes the following amendment to rule 60 of the Goa, Daman and Diu Sales Tax Rules, 1964, the same having been pre-published as required by Section 36 of the Act:

1. (1) These Rules shall be called «the Goa, Daman and Diu Sales Tax (Second Amendment) Rules, 1966».
- (2) They shall come into force with effect from 1st December, 1966.
2. In sub-rule (1) of Rule 60 for the words «four wards» substitute «five wards».
3. In clause (i) to sub-rule (1) of rule 60, for the words «Ponda, Bardez, Pernem, Bicholim and Satari» substitute «Marmagao».
4. After clause (i) to sub-rule (1) of Rule 60 add the following new clause:
(ia) Mapusa-Bardez, Pernem, Bicholim, Satari and Ponda.
5. In clause (ii) to sub-rule (1) of rule 60 delete the word «Marmagao».

By order and in the name of the Administrator of Goa, Daman and Diu.

N. Subramanian, Finance Secretary.

Panjim, 31st October, 1966.

Notification

FD/F.III/2-36/part/3860/66

In exercise of the powers conferred by Section 36 read with Section 7 of the Goa, Daman and Diu Sales Tax Act, 1964, the Government hereby makes the following amendment to Rule 14 of the Goa, Daman and Diu Sales Tax Rules, 1964, the same having been pre-published as required by Section 36 of the Act.

1. (1) These Rules shall be known as the Goa, Daman and Diu Sales Tax (First Amendment) Rules, 1966.
- (2) They shall come into force with immediate effect.
2. (1) In Rule 14 of the Goa, Daman and Diu Sales Tax Rules, in sub-rule (2) after the words «the composition is intended», the following shall be inserted:
«or with the permission of the appropriate assessing authority within such further time not being beyond the 30th June of the year for which the composition is intended».

By order and in the name of the Administrator of Goa, Daman and Diu.

N. Subramanian, Finance Secretary.

Panjim, 4th November, 1966.

Law Department

Notification

LD/NOT/70/66

A Notification of Government of India, Ministry of Home Affairs, New Delhi regarding extension of

the Madhya Pradesh Control of Music and Noises Act, Samvat 2008 (Madhya Bharat Act 14 of 1951) is hereby published for general information.

Kant Desai, Under Secretary.

Panjim, 1st November, 1966.

GOVERNMENT OF INDIA

MINISTRY OF HOME AFFAIRS

Notification

7/24/66-UTL

New Delhi-11, the 25th October, 1966

3rd Kartika 1888

G. S. R. — In exercise of the powers conferred by section 6 of the Goa, Daman and Diu (Administration) Act, 1962 (1 of 1962), the Central Government hereby extends to the Union territory of Goa, Daman and Diu, the Madhya Pradesh Control of Music and Noises Act, Samvat 2008 (Madhya Bharat Act 14 of 1951), as in force in the State of Madhya Pradesh on the date of this notification, subject to the following modifications, namely:—

Modifications

In the said Act,—

(1) for the word «Government» wherever it occurs, the word «Administrator» shall be substituted;

(2) in section 1,—

(a) in sub-section (2), for the words «Madhya Pradesh», the words «the Union territory of Goa, Daman and Diu» shall be substituted; and

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

«(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette of the Union territory of Goa, Daman and Diu, appoint».

(3) in section 2, the following clauses shall be inserted, namely:—

«(a) «Administrator» means the Administrator of the Union Territory of Goa, Daman and Diu appointed by the President under article 239 of the Constitution;»

(4) in the proviso to section 8 for the words «by the Government» the words «by the Administrator, District Magistrate» shall be substituted.

(5) Section 12 shall be omitted.

ANNEXURE

The Madhya Pradesh Control of Music and Noises Act, Samvat 2008 (Madhya Bharat Act 14 of 1951) as extended to the Union territory of Goa, Daman and Diu.

An Act to provide for the better control of Music and other loud and annoying noises, specially during night in Madhya Pradesh.

Preamble.—Whereas it is expedient to provide for the better control of music and other loud and

annoying noises, specially during the night, in Madhya Pradesh, it is hereby enacted as follows:—

1. Title, extent and commencement. — (1) This Act may be called «The Madya Pradesh Control of Music and Noises Act, Samvat 2008».

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette of the Union territory of Goa, Daman and Diu, appoint.

2. Definitions. — In this Act unless there be anything repugnant in the subject or context, —

(a) «Administrator» means the Administrator of the Union territory of Goa, Daman and Diu appointed by the President under article 239 of the Constitution;

(b) «Music» includes sound produced on or from the following instruments:—

(1) *Sitara, Sarangi, Ektara, Violin, Banshi, Dilruba, Bin, Veena, Sarod, Jaltarang* and like instruments producing soft music;

(2) *Piano, Harmonium, Gramophone, Tabla, Khanjari, Dholak and Mridang*;

(3) The radio, in so far as musical programmes only are concerned;

(c) «Loud music» means and includes sound produced on or from *Band, Bag pipes, Clarionets, Shahnais, Drum, Bugles, Dhol, Daf, Dafda, Nagara, Tasha, Jhanj* and other instruments producing a loud sound;

(d) «Nocturnal Noise» means noise during night as is likely to cause annoyance or serious inconvenience to the public or to individuals.

3. Music prohibited in certain places at certain hours. — Music other than soft music produced by instruments detailed in clause (b) (1) of section 2, is prohibited in public streets, open public or private places and at shops, hotels and restaurants adjacent to public streets after midnight and before 4 a. m. in the morning.

4. Loud music prohibited at certain hours. — Loud music is prohibited in all places between midnight and 4 a. m. in the morning.

5. Prohibition of nocturnal noises in certain areas and localities. — The District Magistrate or other officer empowered by the Administrator in this behalf may, in his discretion, declare any noise to be a nocturnal noise and prohibit it by notice given in such manner during such hours of the night and at such places as he thinks fit.

6. Use of loud-speakers or amplifiers. — (1) No loud-speaker or sound amplifier shall be used for broadcasting any speech, sermon, music or radio programme or attached to any wireless receiving set or gramophone, after midnight and before 4 a. m. in the morning.

(2) No person shall use such loud-speaker or sound amplifier in a public place for the purpose of amplifying songs, ballad, or words which are

obscene, or are likely to affect adversely the morality of the public in general.

7. Power to prevent music or noises at any time and at any place. — The District Magistrate or any other person authorised by the Administrator in this behalf may, on being satisfied that in his opinion it is necessary in public interest so to do, by an order in writing recording reasons therefor, prohibit music or noise of any kind whatsoever including amplification thereof in any place and at any time.

8. Relaxation. — The District Magistrate or any other officer empowered by the Administrator in this behalf may, in his discretion relax the provisions of sections 3, 4 or 6 for a period not exceeding three days at a time in specified localities or on occasions of religious festivals and ceremonies generally or in favour of individuals for reasons to be recorded in writing;

Provided that in cases falling under section 7, the relaxation permitted under this section may at any time be revoked by the Administrator, District Magistrate or such other officer.

9. Power to police to arrest. — It shall be lawful for any Police Officer not below the rank of Sub-Inspector to require any person acting or about to act contrary to the provisions of this Act to abstain from so doing; and in case of refusal, or disobedience, to arrest such person as if he has committed or is about to commit a cognizable offence.

10. Penalty. — Whoever contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or acts contrary to any order lawfully made under this Act shall be punished with imprisonment of either description for a term which may extend to one month or with fine not exceeding one hundred rupees or with both.

11. Offences to be bailable, cognizable and triable by a Magistrate of Second Class. — An offence under this Act shall be cognizable, bailable and triable by a Magistrate of the Second Class.

12. * * * * *

[F. 7/24/66-UTL-86]

P. N. VASUDEVAN

Deputy Secretary to the Govt. of India

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/2017/66

The following act passed by the Legislative Assembly of Goa, Daman and Diu received the assent of the President of India on the 26th October 1966, and is hereby published for general information.

The Goa, Daman and Diu Mamlatdar's Court Act 1966

(No. 9 of 1966) [26th October 1966]

An Act to constitute courts of Mamlatdars and to regulate their powers and procedure and matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Seventeenth Year of the Republic of India as follows:

1. Short title, extent and commencement. — (1) This Act may be called the Goa, Daman and Diu Mamlatdar's Court Act, 1966.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as Government may, by notification in the Official Gazette, appoint and different dates may be fixed for different areas.

2. Definitions. — In this Act, unless there is anything repugnant in the subject or context —

(a) «Agriculture» with its grammatical variations and cognate expressions, means raising of useful or valuable products which derive nutriment from the soil with the aid of human labour and skill and includes horticulture, dairy farming, poultry farming, stock breeding, grazing and pisciculture;

(b) «Government» means the Government of Goa, Daman and Diu;

(c) «Mamlatdar» means a person appointed as a Mamlatdar by Government and includes a Joint Mamlatdar;

(d) «Mundcar» shall have the same meaning as is assigned to it in the Legislative Diploma No. 1952 dated the 26th November, 1959, as in force for the time being;

(e) the words «plaintiff» and «defendant» shall include

- (i) a pleader duly appointed to act on behalf of such plaintiff or defendant and
- (ii) the recognized agent of a plaintiff or defendant as defined in Order III Rule 2 of the Code of Civil Procedure;

(f) «Prescribed» means prescribed by rules made under this Act;

(g) «Village Officer» means such officer as Government may, from time to time, specify by notification in the Official Gazette as being a Village Officer.

3. Appointment and Functions of Joint Mamlatdar.

— (1) Government, may, by notification in the Official Gazette, appoint in any taluka a Joint Mamlatdar under this Act who shall be invested with co-extensive powers and a concurrent jurisdiction with the Mamlatdar, except that he shall dispose of such suits or proceedings only as he may receive from the Mamlatdar, or may be transferred to him by the Collector or by Government.

(2) The Mamlatdar may transfer to a Joint Mamlatdar any suit or proceeding under this Act which has been instituted in his court and re-transfer to his own file any such suit or proceeding:

Provided however that no suit or proceeding shall be transferred or re-transferred after any evidence has been recorded therein.

4. Powers of Mamlatdar's Court. — (1) Every Mamlatdar shall preside over a Court, which shall be called a Mamlatdar's Court, and which shall subject to the provisions of sections 5 and 24 have power, within such territorial limits as may, from time to time, be fixed by Government by notification in the Official Gazette —

(a) to remove or cause to be removed any impediment erected otherwise than under due authority of law, to the natural or customary flow in a defined channel or otherwise of any surface water rising in or falling on any land used for agriculture or for trees or other crops, on to any adjacent land, where such impediment causes or is likely to cause damage to the land used for such purposes or to any grazing, trees or crops thereon;

(b) to give immediate possession of any lands or premises used for agriculture or trees or crops, or fisheries, or to restore the use of water from any well, tank, reservoir, canal or water-course, whether natural or artificial used for agricultural purposes to any person who has been dispossessed or deprived thereof otherwise than under due authority of law, or who has become entitled to the possession or restoration thereof by reason of the determination of any tenancy or other right of any other person, not being a person who has been a former owner or part-owner, within a period of twelve years before the institution of the suit, of the property or use claimed, or who is the legal representative of such former owner or part-owner;

(c) to remove or cause to be removed any refuse, mining reject or other substance which has been dumped or placed otherwise than under due authority of law on any agricultural land;

(d) to give immediate possession of any dwelling house situated in any land used for purposes of agriculture to any tenant or agricultural labourer who has been dispossessed or deprived thereof otherwise than under due authority of law;

(e) to give immediate possession to a mundcar of any dwelling house held by him as such of which he has been dispossessed or deprived otherwise than under due authority of law;

(f) to restore or cause to be restored any right of way which has been obstructed or encroached upon otherwise than under due authority of law;

(g) to restore or cause to be restored any right to use or take water for purposes of irrigation or domestic use of which any person has been deprived otherwise than under due authority of law.

(2) The said Court shall also, have power within the said limits, where any impediment referred to in clause (a) of sub-section (1) is erected, or an attempt has been made to erect it, or when any refuse, mining reject or other substance is placed or sought to be placed, otherwise than by due authority of law on any agricultural land, or when any person, is otherwise than under due authority of law disturbed or obstructed, or when an attempt has been made so to disturb or obstruct any person in the possession of any lands or premises used for agriculture or trees, or crops or fisheries, or in the use of water from any well, tank, reservoir, canal or water-course, whether natural or artificial, used for

agricultural or domestic purposes, or any such dwelling house as is referred to in clause (d) of sub-section (1), or in the use of roads or a right of way thereto, to issue an injunction to the person erecting or who has attempted to erect such impediment, or causing, or who has attempted to cause, such disturbance or obstruction requiring him to refrain from erecting or attempting to erect any such impediment or from causing or attempting to cause any further such disturbance or obstruction.

(3) No suit shall be entertained by a Mamlatdar's Court unless it is brought within one year from the date on which the cause of action arose:

Provided however that a suit in respect of which the cause of action arose before the commencement of this Act may, if it is otherwise not barred by any law for the time being in force, be entertained within one year of such commencement.

(4) The cause of action shall be deemed to have arisen on the date on which the impediment to the natural or customary flow of surface water or the dispossession, deprivation, obstruction, encroachment or determination of tenancy or other right or the unauthorised dumping occurred, or the attempted impediment or disturbance or dispossession or obstruction or encroachment or dumping or deprivation first commences.

Explanation: The exercise by a joint owner of any right which he has over the joint property is not a dispossession, or disturbance of possession of the other joint owner or owners within the meaning of this section.

5. Power of Collector to transfer suit.— (1) The Collector may, upon the application of a party, after due notice to the other parties, for reasons to be recorded, by order in writing, transfer any suit or proceeding at any stage from any Mamlatdar's Court in his district to any other Mamlatdar's Court in his district and the Mamlatdar's Court to which the case is so transferred shall thereupon exercise jurisdiction in such suit, but any order issued to village officers under section 20 shall be issued by the Mamlatdar to whom such village-officers are subordinate.

(2) The Collector may also similarly transfer a suit or proceeding from a Mamlatdar to a Joint Mamlatdar and from a Joint Mamlatdar to a Mamlatdar.

6. Suits commenced by plaintiff: Contents of plaintiff.— All suits under this Act shall be commenced by a plaintiff which shall be presented to the Mamlatdar in open Court or to any person authorised by him, by the plaintiff, and which shall contain the following particulars:—

(a) the name, age, profession and place of abode of the plaintiff and the defendant;

(b) the nature and situation of the impediment erected and the situation of the lands which are adjacent to each other, and the nature of the relief sought, or

(c) the nature and situation of the property of which possession or use is sought, or

(d) the nature of the injunction to be granted, or

(e) the nature and situation of the land and of the refuse or other substance which has been dumped thereon, and the circumstances of the dumping, or

(f) the nature and situation of the right of way, which has been obstructed or encroached upon, and the nature of the obstruction or encroachment, or

(g) the nature of the right to water of which there has been deprivation;

(h) the date on which the cause of action arose;

(i) the circumstances out of which the cause of action arose; and

(j) a list of the plaintiff's documents, if any, and of his witnesses, if any, and whether such witnesses are to be summoned to attend, or whether the plaintiff will produce them on the day and at the place to be fixed under section 13.

7. Informal petitions to be treated as plaints.— Where a petition not in the form of a plaint is presented under section 6 and the subject matter thereof appears to fall within the scope of section 4, the Mamlatdar shall explain to the person presenting the petition the nature of the reliefs afforded by this Act and shall inquire whether the petitioner desires to obtain relief thereby. If the petitioner expresses a desire so to obtain relief, the Mamlatdar shall endorse the desire on the petition which shall thereupon be deemed to be a plaint presented under section 6.

8. Examination of plaintiff on oath.— Where the plaint does not contain the particulars specified in section 6 or is unnecessarily prolix, or is otherwise defective, the Mamlatdar shall examine the plaintiff upon oath and ascertain from him such of the particulars specified in section 6 as are not clearly and correctly stated in the plaint or are necessary for rectifying the defects noticed in the plaint, and shall reduce the examination to writing in the form of an endorsement on or annexure to the plaint which shall thereupon be deemed to be part of the plaint.

The record of such writing shall be read over or translated to the plaintiff in a language understood by him and his signature obtained thereon.

Where the plaintiff requires time to obtain any of the particulars specified in section 6 or to rectify the defects the Mamlatdar shall grant him such time as may under all the circumstances appear reasonable.

9. Plaint to be subscribed and verified.— When the plaint is presented, and has if necessary been treated in the manner specified in section 8, the Mamlatdar shall require the plaintiff to subscribe and verify the plaint in his presence, in open Court, in the manner following or to the like effect:—

«I, A. B. the plaintiff, do hereby declare that what is stated in this plaint is true to the best of my information, knowledge and belief».

10. Endorsement by Mamlatdar.— (1) The Mamlatdar shall endorse the plaint to the effect that it was duly subscribed and verified.

(2) Where the plaintiff cannot write, the verification may be written for him in open Court and he shall affix his mark to his name in token of the authenticity of the verification, and the Mamlatdar shall, in such case, record that the verification was made in his presence at the request of the plaintiff and that his mark was so affixed.

11. Rejection of plaint. — The Mamlatdar shall reject the plaint —

(a) where the plaintiff declines to make a statement on oath under section 8, or

(b) where the plaintiff is willing to make or has made a statement on oath under section 8, but fails to furnish the particulars specified in section 6 within the time fixed under section 8 or altogether, or

(c) where it appears upon the face of the plaint —

(i) that the relief claimed is not one of the kind specified in section 4, or

(ii) that the suit is barred under sub-section (3) of section 4, or

(d) where the plaintiff declines to subscribe or verify the plaint as required by sections 9 and 10.

12. Return of plaint. — Where it appears to the Mamlatdar that the subject of the plaint is not within his jurisdiction, he shall, after hearing the plaintiff, return the plaint to be presented to the proper Court.

13. Procedure where plaint admissible. — (1) Where a plaint is admissible, the Mamlatdar shall receive and file it and shall grant a receipt in the prescribed form. He shall as soon as may be thereafter fix a day and place for the trial of the case, and shall issue, at the expense of the plaintiff, notice in the prescribed form to the defendant. He shall then require the plaintiff to appear with his documents, if any, and witnesses if any, on the day and at the place fixed.

(2) The date to be fixed for the trial of the case shall not be later than fifteen days from the day on which the notice is issued, except for sufficient reason to be recorded in writing by the Mamlatdar with his own hand.

(3) The place to be fixed for the trial of the case may be in the Mamlatdar's office, or at or near the scene of dispute or at any other spot that the Mamlatdar considers convenient to the parties.

14. Attendance of witnesses. — (1) Where either party requires any witness to be summoned to appear on the day and at the place fixed, the Mamlatdar shall issue a summons for that purpose.

(2) The Mamlatdar may issue, after recording his reasons in writing a warrant for the arrest of any such witness if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

15. Effects of default and withdrawal of suits. —

(1) Where the plaintiff fails to attend, or to produce his documents, if any, or to adopt measures to procure the attendance of his witnesses, if any, on the day and at the place fixed, the Mamlatdar shall reject the plaint with costs, whether the defendant appears or not, unless the defendant admits the claim.

(2) Where the plaintiff attends as required by sub-section (1) of section 13 but the defendant fails to attend, and the Mamlatdar is satisfied from the evidence before him that the notice has been duly served on the defendant and in sufficient time to enable the defendant to appear and answer

on the day fixed in the notice, he shall proceed to hear and decide the plaint ex-parte:

Provided that if either party satisfies the Mamlatdar at any time within thirty days from the date of the rejection of a plaint or decision of the case ex-parte that he was prevented by some sufficient cause from attending, or from producing his documents or from adopting measures to procure the attendance of his witnesses, as the case may be, it shall be lawful for the Mamlatdar to issue a notice in the prescribed form at the expense of the applicant, to the opposite party and, if still satisfied after hearing the opposite party that the applicant was prevented as alleged, after recording his reasons, to re-hear the case at such time and place as he may then fix:

Provided further, that nothing in the foregoing provisions shall prevent the plaintiff from withdrawing his suit on payment of the defendant's costs.

16. When proceedings may be adjourned. — (1) Where in the case mentioned in sub-section (2) of section 15 the Mamlatdar is not satisfied from the evidence before him that the notice has been duly served on the defendant, and in sufficient time to enable the defendant to appear and answer on the day fixed in the notice, he shall adjourn the trial of the case and issue a fresh notice under sub-section (1) of section 13 to the defendant.

(2) Where any witness who has been duly summoned, or for whose arrest a warrant has been issued under sub-section (2) of section 14, fails to attend on the day and at the place fixed, the Mamlatdar may, for sufficient reasons to be recorded in writing, after taking the evidence of those present, adjourn the hearing of the suit from time to time till the attendance of such witness can be enforced:

Provided however that the Mamlatdar may, if he is satisfied for reasons to be recorded in writing that the evidence of any witness is not relevant or material, or that his presence is sought only for the purposes of vexation or delay or for defeating the ends of justice, decline to adjourn the hearing as aforesaid.

(3) The Mamlatdar may, for any other sufficient reason to be recorded in writing adjourn the trial of the case for such time as he thinks fit, but not ordinarily exceeding ten days.

(4) The provisions of sections 14 and 15 shall apply in respect of any day to which the trial of the case may be adjourned under this section, as if such day were the day originally fixed for the trial.

17. Parties to suits. — (1) A minor may sue or be sued, if he is represented by a natural or duly appointed guardian.

(2) The Mamlatdar may, at any stage of the proceedings order that the name of any person to whom possession or enjoyment of the property or use claimed, or of any part thereof, may have been transferred, or the addition of whom as a party appears necessary in order to enable the Court effectually and completely to adjudicate upon the issues, be added as a plaintiff or defendant, as the circumstances of the case may require:

Provided that no person shall be added as a plaintiff without his consent:

Provided further that in respect of any person so added not being a transferee pending the suit, the

suit shall for the purposes of sub-section (3) of section 4, be deemed to have been instituted on the day when his name was so added.

(3) In case of the death of any party while the suit is pending;

- (i) if application is made within one month of such death, the Mamlatdar shall determine summarily who is the legal representative of the deceased party and shall enter on the record the name of such representative;
- (ii) if no such application is made, the suit shall abate.

(4) Where the Mamlatdar orders the name of any person to be added as a defendant or enters on the record the name of any person as the legal representative of a deceased defendant the Mamlatdar shall issue to such person a notice as provided in section 13, and the trial shall proceed on the date fixed in such notice.

18. Procedure and powers of Mamlatdar's Court. —

(1) On the day fixed or on any day to which the proceedings may have been adjourned, the Mamlatdar shall, subject to the provisions of section 15 proceed to hear all the evidence that is then and there before him, and to try the following issues, namely: —

(a) If the plaintiff avers that the natural flow of surface water from his land has been impeded by any erection raised by the defendant causing damage or likelihood of damage to the plaintiff's land or to any grazing, trees or crops thereon —

- (i) whether surface water flowed in a defined channel or otherwise, naturally or customarily from plaintiff's land on to the defendant's land;
- (ii) whether the defendant erected any impediment to such flow, otherwise than under due authority of law;
- (iii) whether the suit was filed within the time allowed by sub-section (3) of section 4;
- (iv) whether such impediment has caused or is likely to cause damage to plaintiff's land or to any grazing, trees or crops thereon;

(b) If the plaintiff avers that he has been unlawfully dispossessed of any property or deprived of any use —

- (i) whether the plaintiff or any person on his behalf or through whom he claims was in possession or enjoyment of the property or use claimed;
- (ii) whether the defendant is in possession at the time of the suit, and, if so, whether he obtained possession otherwise than by due course of law;
- (iii) whether the suit was filed within the time allowed by sub-section (3) of section 4;

(c) If the plaintiff avers that he is entitled to possession of any property or restoration of any use by reason of the determination of any tenure or other right of the defendant in respect thereof —

- (i) whether the defendant is in possession of the property or in the enjoyment of the use by a right derived from the plaintiff

or from any person through whom he claimed;

- (ii) whether the suit was filed within the time allowed by sub-section (3) of section 4;
- (iii) whether the defendant is other than a person who has been a former owner or part-owner within a period of twelve years before the institution of the suit of the property or use claimed, and other than the legal representative of such former owner or part-owner.

(d) If the plaintiff avers that he is still in possession of the property or in the enjoyment of the use, but that the defendant disturbs or obstructs, or has attempted to disturb or obstruct him in his possession or use —

- (i) whether the plaintiff or any person on his behalf is actually in possession or enjoyment of the property or use claimed;
- (ii) whether the defendant is disturbing or obstructing or has attempted to disturb or obstruct him in such possession or enjoyment;
- (iii) whether the suit was filed within the time allowed by sub-section (3) of section 4.

(e) If the plaintiff avers that he is in possession of any agricultural land, and that the defendant has placed, or threatens to place any refuse, mining reject or other substance thereon —

- (i) whether the plaintiff or any person on his behalf is actually in possession or enjoyment of the land in question;
- (ii) whether the defendant has placed or is attempting to place any refuse, mining reject or other substance, without due authority of law;
- (iii) whether the suit was filed within the time allowed by sub-section (3) of section 4.

(f) If the plaintiff avers that he is entitled to a right of way and that the defendant has obstructed or has encroached upon it —

- (i) whether the plaintiff or any person on his behalf was in beneficial enjoyment of the right of way;
- (ii) whether the defendant has obstructed or encroached upon it otherwise than under due authority of law;
- (iii) whether the suit was filed within the time allowed by sub-section (3) of section 4.

(g) If the plaintiff avers that he has been deprived of any right to use or take water for purposes of irrigation or domestic use —

- (i) whether the plaintiff or any person on his behalf was in enjoyment of the right to use or take water;
- (ii) whether the defendant has deprived the plaintiff of such right otherwise than under due authority of law;
- (iii) whether the suit was filed within the time allowed by sub-section (3) of section 4.

(2) The Mamlatdar may, after due notice to, and in the presence of the parties, summon and examine as a witness any person who has not been summoned or produced, and may call for and cause to be proved

any document which has not been applied for or produced, by either of the parties, where he considers it expedient in the interests of justice so to do, and may, if he thinks fit, make a personal inspection of the property in dispute in the presence of, or after due notice to, the parties.

He shall after hearing the parties if present record on the spot without unnecessary delay a memorandum of any relevant facts observed at such inspection. The memorandum shall form part of the record of the case.

(3) The Mamlatdar shall make or cause to be made a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds. The memorandum shall be signed by the Mamlatdar, read over or explained to the witness and his signature obtained thereon.

(4) Where the Mamlatdar's finding upon the issues for which he shall briefly record his reasons, is in favour of the plaintiff, he shall make such order, as the circumstances of the case appear to him to require, and where his finding is in favour of the defendant, he shall dismiss the suit. In either case the costs of the suit including the costs of execution shall follow the decision except in special circumstances for reasons to be recorded in writing by the Mamlatdar.

19. Mamlatdar's order to be endorsed on plaint and read out in open Court.— Every order of the Mamlatdar, whether for rejecting or returning a plaint or whether for allowing or disallowing a claim shall be endorsed by the Mamlatdar on the plaint and shall be read out by him in open court, either at once or some future day of which due notice shall be given to the parties or their pleaders, and brief reasons for the order shall be placed by him on record.

20. Mamlatdar's decision how executed.— (1) Where the Mamlatdar's decision is for removal of an impediment or unauthorisedly dumped refuse or an encroachment or for awarding possession or restoring a use, he shall give effect thereto forthwith by issuing such orders to the village-officers, or to any subordinate under his control or otherwise, as he thinks fit or in such other manner as may be prescribed and may use or cause to be used such force as may be reasonably necessary for that purpose. The cost of removing such impediment, refuse or encroachment by the Mamlatdar shall be recoverable from the defendant as arrears of land revenue:

Provided that notwithstanding anything contained in this Act, where at the time when a decision is recorded by the Mamlatdar for award of possession of any land, there is a crop on such land which has been sown by or at the expense of the defendant, and the Mamlatdar is satisfied that it has been so sown in good faith, the Mamlatdar may, and if the defendant makes an application for the purpose and furnishes sufficient security, or deposits in Court a sufficient sum for the payment of the costs of the suit, shall pass an order staying delivery of possession of such land to the plaintiff seeking possession thereof, either—

(a) until the plaintiff agrees to take the crop at a valuation to be made under the orders of the Mamlatdar according to the value of the crop at such time, including any instalments of the Government assessment which the defendant may have paid for the current year; or

(b) where the plaintiff is unwilling to take the crop at such valuation until after the expiration of sufficient time for the crop to be gathered by the defendant.

The amount of any valuation made under clause (a) of the proviso to this sub-section shall be paid to the defendant through the Mamlatdar, and shall be recoverable from the plaintiff as an arrear of land revenue.

(2) Where the Mamlatdar's decision is for granting an injunction, he shall cause the same to be prepared in the prescribed form and shall deliver or tender the same then and there to the defendant, if present or if the defendant is not present, shall send it to the village-officers, or to any subordinate under his control to be served upon the defendant.

(3) Where the Mamlatdar awards costs, such costs, together with the costs of execution shall be recoverable from the party ordered to pay them as an arrear of land revenue.

(4) Any person disobeying an injunction granted under sub-section (2) shall be punishable under section 188 of the Indian Penal Code.

21. Possession to be given without prejudice to rights of parties.— Subject to the provisions of sub-section (2) of section 22 the party in favour of whom the Mamlatdar issues an order for removal of an impediment or refuse or the party to whom the Mamlatdar gives possession or restores a use, or in whose favour an injunction is granted, shall continue to have the surface water upon his land flow unimpeded on to adjacent land or continue in possession of use, of the land, dwelling house, right of way or right to water, as the case may be, until otherwise decreed or ordered, or until ousted, by a competent Civil Court:

Provided, that nothing in this section shall prevent the party against whom the Mamlatdar's decision is passed from recovering by a suit in a competent Civil Court mesne profits for the time he has been kept out of possession of any property or out of enjoyment of any use or the cost of removing the impediment, refuse or encroachment:

Provided, further, that in any subsequent suit or other proceeding in any Civil Court between the same parties, or other persons claiming under them the Mamlatdar's decision respecting the possession of any property or the enjoyment of any use or right or respecting the title to or valuation of any crop dealt with under the proviso to sub-section (1) of section 20, shall not be held to be conclusive.

22. Collector's power of revision.— (1) Subject to the provisions of sub-section (2) every order passed by a Mamlatdar under this Act, shall be final.

(2) The Collector may, on his own motion or on an application made by an aggrieved party, or on a direction by Government call for and examine the record of any suit or proceeding under this Act, and if he considers that any proceeding, finding or order in such suit is illegal or improper, may, after due notice to the parties, pass such order thereon, not inconsistent with this Act, as he thinks fit:

Provided that no record shall be called for after the expiry of sixty days from the date of the order, unless an application for that purpose, or a direction

to that effect has been received by the Collector within the aforesaid period.

(3) Government may, by notification in the Official Gazette, authorise any officer not below the rank of a Deputy Collector to exercise all the powers of the Collector under this section.

(4) When the Collector, or any officer authorised under sub-section (3), takes any proceedings under this section he shall be deemed to be a Court under this Act.

23. Punishment for verification of false plaint.— Any plaintiff subscribing and verifying any plaint under this Act which he either knows or believes to be false, or does not believe to be true, in any material point, shall be deemed to have committed an offence punishable under section 193 of the Indian Penal Code.

24. Bar of certain suits.— No suit shall lie under this Act—

(a) against Government or against any Government officer in respect of any act done or purporting to be done by any such officer in his official capacity, except where acting as a manager or guardian duly constituted under any law for the time being in force; or

(b) in respect of any removal of any impediment or refuse or of any dispossession, recovery of possession or disturbance of possession, that has been the subject of previous proceedings, to which the plaintiff or his predecessor in interest was a party, under this Act, or in a Civil Court, or under Chapter XII of the Code of Criminal Procedure, 1898 (V of 1898).

25. Authority to confer additional power.— Government may, by notification in the Official Gazette, invest a Mamlatdar with such powers of a Civil Court as may be specified, for the purposes of this Act.

26. Power to make rules.— (1) Government may, by notification in the Official Gazette, make rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the mode of issue and service of a summons or notice under this Act;

(b) the execution of orders and warrants issued by a Mamlatdar's Court;

(c) the payment of costs incurred in procuring the attendance of witnesses;

(d) the scale of costs to be awarded to the successful party;

(e) the procedure to be followed by the Collector under section 22;

(f) the books, registers and accounts to be maintained and the returns to be submitted by the Mamlatdar;

(g) any other matter which has to be or may be prescribed.

(3) All rules made under this Act shall be laid on the table of the Legislative Assembly after they are

made and shall be subject to such modifications as the Assembly may make during the session in which they are so laid or the session immediately following.

27. Government's power to give directions.— (1) Government shall have powers to issue directions or orders to the Mamlatdar and the Collector to give effect to the provisions of this Act and the rules made thereunder.

(2) Without prejudice to the generality of the foregoing, Government may

(a) call for returns;

(b) direct the transfer at any stage of any suit or proceeding from one Mamlatdar's Court to another Mamlatdar's Court in the same district;

(c) issue such general directions and provide for regulating the practice and procedure of Mamlatdars' Courts.

28. Bar on appearance by Pleaders.— Notwithstanding anything contained in this Act or any law for the time being in force, no pleader shall be entitled to appear on behalf of any party in any proceedings under this Act before the Mamlatdar:

Provided that the Mamlatdar may, in the interests of justice and for reasons to be recorded in writing, allow the parties to be represented at their own cost by a pleader:

Provided further that pleader's fees shall not be allowed as part of the costs in any such proceedings:

Provided also that if any officer of Government is appointed or declared by a competent court or is authorised under any law for the time being in force as a guardian, administrator or manager of the property of a person who is under a legal disability or is incompetent or unable to manage or to act, such officer shall be entitled to appear through a representative authorised by him in writing in this behalf in any proceedings before the Mamlatdar.

Explanation: For the purpose of this section the expression «pleader» includes an advocate, attorney, vakil or any other legal practitioner and does not include a representative of Farmers Organisation.

29. Power to remove difficulties.— If any difficulty arises in giving effect to the provisions of this Act, Government may, by order as occasion requires, do anything (not inconsistent with this Act) which appears to it to be necessary for removing the difficulty.

Secretariat

P. B. VENKATASUBRAMANIAN

Panjim,

Secretary to the Government of Goa,

November 7, 1966.

Daman and Diu

LA/2016/66

The following act passed by the Legislative Assembly of Goa, Daman and Diu received the assent of the President of India on the 28th October 1966, and is hereby published for general information.

The Goa, Daman and Diu Agricultural Tenancy (Amendment) Act, 1966

[No. 10 of 1966] [28th October 1966]

An Act further to amend the Goa, Daman and Diu Agricultural Tenancy Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Seventeenth Year of the Republic of India as follows:—

1. Short title and commencement. — (1) This Act may be called the Goa, Daman and Diu Agricultural Tenancy (Amendment) Act, 1966.

(2) It shall come into force at once.

2. Amendment of section 3. — In section 3 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (hereinafter referred to as the principal Act),—
(i) after sub-section (1), the following sub-sections shall be inserted, namely:—

«(1-A) When it is made to appear to Government that any land used for agriculture on or after the 1st July, 1962 is sought to be converted or used for any non-agricultural purpose, it may, if it considers such action necessary in the interest of agricultural production, the furtherance of the objects of this Act, or the public interest, after giving to the landlord and the tenant a reasonable opportunity of showing cause, by order prohibit such use or conversion, or permit such use or conversion, or permit such use or conversion on such terms and conditions, as it may specify:

Provided, however, that when it appears to Government that the object in view would otherwise be defeated by delay it may issue an order prohibiting such conversion or use till the completion of the enquiry (except on such terms and conditions as may be specified), or such other order as the circumstances of the case may require, and may from time to time modify or vary such order.

(1-B) Notwithstanding anything contained in sub-sections (1) and (1-A), Government may, when it is satisfied for reasons to be recorded, that it is in the interest of agricultural production, prohibit in any local area, either absolutely or except upon such terms and conditions as may be specified, the conversion of any land used for agriculture, for any non-agricultural purpose including the raising of crops of coconut, arecanut, cashew or mangoes. Every such order shall be published in the official gazette and in such other manner as may be prescribed:

Provided, however, that except when the object of the order would be defeated by delay, Government shall, in the prescribed manner give the persons affected an opportunity of showing cause against the proposed order.

(1-C) Any person who contravenes an order passed under sub-section (1-A) or sub-section (1-B) shall be guilty of an offence under section 188 of the Indian Penal Code.

(1-D) Government may take such action as is necessary for enforcing an order passed under sub-section (1-A) or (1-B).»;

(ii) in sub-section (2), after the words «any industry» the words «house construction» shall be inserted;

(iii) in sub-section (2), for the words, the cross and figure «The provisions of sub-section (1) of sub-sections (1), (1-A) and (1-B)» shall be substituted.

3. Amendment of section 4. — (1) In section 4 of the principal Act, in the second proviso for the words and figures «on the 1st of July, 1962» the words and figures «on or after the 1st of July, 1962, but before the commencement of this Act» shall be substituted and shall always be deemed to have been substituted.

(2) In section 4 of the principal Act, after the second proviso, the following shall be inserted, namely:—

«Provided further that in the case of a person claiming to be a tenant on the ground that he was a sub-tenant cultivating any land after the 1st July, 1962, but before the commencement of this Act, the application by the landlord for a declaration that such person is not a tenant may be made within three months of the commencement of the Goa, Daman and Diu Agricultural Tenancy (Amendment) Act 1966».

4. Amendment of section 6. — In clause (iii) of section 6 of the principal Act, for the words, brackets and figures «Explanation (1) to clause (7) of section 2» the words, brackets and figures «Explanation 2 to clause (7) of section 2» shall be substituted and shall always be deemed to have been substituted.

5. Amendment of section 7. — In section 7 of the principal Act, the following shall be added at the end of the section, namely:—

«In any such enquiry, the Mamlatdar shall presume that any statement as to the existence of a right of tenancy in a record of rights prepared in the prescribed manner under and in accordance with the provisions of this Act, is true».

6. Insertion of new section 8-A. — After section 8 of the principal Act, the following section shall be inserted, namely:—

«8-A. Relief in certain cases of threatened wrongful dispossession:— (1) Any tenant in possession of any land or dwelling house who apprehends that he may be dispossessed contrary to the provisions of this Act, may apply in the prescribed manner to the Mamlatdar for an order safe-guarding his right to possession.

(2) On such application, the Mamlatdar if he is satisfied on holding such enquiry as may be prescribed, that the applicant is entitled to continue in possession, shall, by order, direct the landlord or any person claiming through him to refrain from disturbing it otherwise than in accordance with law.

(3) In any proceeding under this section, if it is proved to the satisfaction of the Mamlatdar by affidavit or otherwise that the opponent threatens to dispossess the applicant, he may by order grant a temporary injunction restraining such dispossession or otherwise causing injury until the final disposal of the proceeding or until further orders. In all such cases the Mamlatdar shall, except where it appears that the object of granting the injunction would be defeated by delay, issue notice of the application to the opponent before granting an injunction.

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to the person dispossessing a tenant in contravention of an order made under sub-section (2) or with any, in addition to any other penalty to which the subject, on application made by the tenant within thirty days of such dispossession, and notwithstanding anything to the contrary in any other provision of this Act, be summarily evicted by the Mamlatdar who shall thereupon restore possession to the tenant».

7. Insertion of new section 13-A. — After section 13 of the principal Act, the following section shall be inserted, namely: —

«13-A. Tenant's right of first purchase:—(1) When a landlord intends to sell any land cultivated by a tenant he shall give notice of his intention to the tenant in the prescribed manner and shall specify the price at which the sale is to take place and call upon him to state within 90 days of receipt of the notice whether he is willing to buy the land at the price specified.

(2) The tenant may within 90 days of receipt of the notice signify in the prescribed manner his readiness to purchase the land at the price specified in the notice and thereupon a contract to purchase the land at the said price shall be deemed to have been concluded between the landlord and the tenant.

(3) If the tenant is willing to purchase the land but contends that the price specified in the notice is excessive he may apply to the Collector in the prescribed manner within 30 days of receipt of notice under sub-section (1) for determining the price whereupon the Collector shall determine the same in the prescribed manner in accordance with the principles laid down in the Land Acquisition Act 1894 and the price so determined by the Collector shall be deemed to be the price specified in the notice under sub-section (1). But the tenant shall in such an event exercise the option conferred by sub-section (2) within 60 days of the receipt of notice of the price fixed by the Collector.

(4) If the tenant fails within the period specified in sub-section (1) to signify his acceptance as provided in sub-section (2), the landlord shall be free to sell the land in question to any person at a price not lower than that set out in the notice or the price determined by the Collector under sub-section (3) as the case may be.

(5) Any sale by a landlord to a person other than a tenant without giving the notice required by sub-section (1), or before the expiry of the period of the said notice or at a price lower than that set out in the notice or the price determined by the Collector under sub-section (3) as the case may be, shall be void.

(6) Notwithstanding anything in this section, a tenant who fails to avail himself of the offer of first purchase made under sub-section (1) shall not, by reason thereof, cease to be a tenant, but shall continue as a tenant under the new owner on the same terms and conditions as before.

(7) Government may, subject to due appropriation being made in this behalf, grant on such terms as may be prescribed, a loan to a tenant for the purchase of any land in respect of which a notice has been served upon him under sub-section (1)».

8. Amendment of section 14. — In section 14 of the principal Act, after sub-section (2), the following proviso shall be added, namely: —

«Provided, however, that no partition or sub-division shall be permissible if the share allotted to any heir or any co-parcener together with any other land already held by him is less than $\frac{1}{3}$ hectare of morod land and $\frac{1}{4}$ hectare of Khajan or Kher land.

Explanation. — The allotment of a separate number to any portion of the land for the purposes of land records or land survey under any law for the time being in force shall not, by itself, amount to a sub-division or partition for the purpose of this sub-section».

9. Insertion of new section 15-A. — After section 15 of the principal Act, the following section shall be inserted, namely: —

«15-A. Lands mortgaged to Government and co-operative societies. — When a tenant has mortgaged his interest in the land in favour of Government or a co-operative society with the permission of Government, in consideration of a loan advanced to him, then, notwithstanding anything contained in any other provision of this Act, the landlord shall not, while the mortgage subsists, without the prior permission of Government, be entitled to resume the land for personal cultivation, or to terminate the tenancy on any of the grounds mentioned in section 11 or otherwise, nor shall the tenant be entitled without such permission to surrender his interest to the landlord and any such surrender shall be void:

Provided, however, that for the period during which such permission has been sought but has not been granted, the obligations of the tenant under this Act to the landlord shall devolve upon Government or the co-operative society as the case may be».

10. Amendment of section 22. — In section 22 of the principal Act, in clause (v), after the words «the provisions of this Chapter» the words «prescribing the powers which may be exercised by any original, appellate or revisional authority in disposing of such applications and all connected and incidental proceedings» shall be added.

11. Amendment of section 26. — In section 26 of the principal Act, —

(i) in sub-section (3), for the existing proviso the following provisos shall be substituted, namely: —

«Provided, however, that in the case of repairs to breaches in bunds which may be specified by Government as protective bunds, Government shall, on such conditions and in such manner as may be prescribed, contribute a sum not exceeding 50% of the cost of such repairs:

Provided, further, that the duty and responsibility of carrying out works of a recurring nature designed to conserve water such as the closure of apertures of the sides or wall of a tank such as *Khan* or popularly known by any other name, shall continue to be that of the person on whom it was cast, according to the custom, usage or practice in force immediately before the commencement of this Act.

Any question as to the existence of any such custom, usage, or practice as aforesaid shall be determined by the Mamlatdar after such enquiry as may be necessary or prescribed»;

(ii) after sub-section (3) the following sub-section shall be inserted, namely:—

«(3-A) (a) Whenever it appears to the Mamlatdar that any of the works of maintenance, repair and conservancy referred to in sub-section (3) have been neglected for any reason whatsoever he may, by order in writing, direct that the works shall be carried out by such person as may be specified and the cost thereof shall be recovered from the beneficiaries of the work done as arrears of land revenue:

Provided that in the case of repairs to protective bunds where the breaches have occurred owing to the negligence of the owner of any land to which this Act does not apply, the cost of repairs incurred as a result of such negligence may also be recovered from such persons as may be named in the order of the Mamlatdar as arrears of land revenue.

(b) The person from whom the costs are recovered under the preceding clause shall be entitled to recover the same or an appropriate portion thereof from any person who in law is wholly or partially liable to construct, maintain or repair the bunds.

(c) The question as to who are the beneficiaries of repairs to a bund shall be determined by the Mamlatdar.

(d) From any order passed by the Mamlatdar under this sub-section an appeal shall lie to Government whose decision shall be final»;

(iii) in sub-section (4), for the words «preceding sub-section» the words «preceding sub-sections» shall be substituted.

12. Amendment of section 39.—In section 39 of the principal Act;—

(i) for the existing sub-section (1), the following sub-section shall be substituted, namely:—

«(1) If any person (hereinafter called the applicant) desires to construct, or repair, or to maintain, as the case may be, a water course to take water for the purpose of agriculture from a source of water to which he is entitled but such water course is to be constructed or runs through any land which belongs to, or is in possession of, another person (hereinafter called the neighbouring holder) and if no private agreement is arrived at for such construction or repairs or maintenance, as the case may be, between the applicant and the neighbouring holder, the person desiring to construct or repair or maintain the water course may make an application in the prescribed form to the Mamlatdar».

(ii) in sub-section (2), after the words «to construct» the words «or to repair or to maintain, as the case may be», shall be inserted.

13. Insertion of new section 42-A.—After section 42 of the principal Act, the following section shall be inserted, namely:—

«42-A. Procedure for regulating the discharge of joint responsibility of tenants.

(1) When under any of the provisions of this Act, the duty and responsibility of any work of conservancy, maintenance or repair of any bund, embank-

ment, ridge, sluice-gate or any other work is that of more than one tenant, Government may, by rules regulate the manner in which such duty or responsibility shall be discharged, and also the determination and recovery of the share of a tenant of the cost of a work to which he is under an obligation to contribute.

(2) without prejudice to the generality of the foregoing, such rules may provide for—

(i) the constitution, functions and organisation of tenants' associations for any local area;

(ii) the management and regulation of sources of income of the associations such as income from trees on bunds, operation of sluice-gates, fisheries and such other sources of income as may be prescribed;

(iii) the determination of the beneficiaries of any work, the apportionment and recovery of the cost of such work from among them;

(iv) the manner in which works shall be executed; and

(v) the conditions and mode of payment of Government's contribution.

(3) Any sum which is payable by a tenant or any other person towards the cost of any such work as is referred to in sub-section (1) shall be recoverable as arrears of land revenue.

Explanation:—For the purpose of this section the term «tenant» shall include every person who cultivates the land personally».

14. Insertion of new section 46-A.—After section 46 of the principal Act the following section shall be inserted, namely:—

«46-A. Powers of the Mamlatdar to inquire into contraventions.

(1) Notwithstanding the fact that no application has been made to him in this behalf the Mamlatdar may, upon information received or upon his own knowledge or suspicion, that any of the provisions of this Act have been contravened hold an inquiry in the prescribed manner into the alleged contravention as if an application had been made to him in this regard.

(2) Government may, in any case where it has reason to believe that there has been a contravention of the provisions of this Act, direct the Mamlatdar to hold an inquiry into the alleged contravention.

The powers of Government under this sub-section may also be exercised by the Collector or any other Officer empowered in this behalf by Government».

15. Amendment of section 48.—In section 48 of the principal Act;—

(i) in the proviso to sub-section (1), after the words «such order» the words «other than an order directing the restoration of possession to a tenant» shall be inserted;

(ii) after the said proviso, the following shall be added, namely:—

«*Explanation:*—For the purposes of the preceding proviso the expression «tenant» shall not include a person deemed to be a tenant under section 4 or section 5».

16. Insertion of new section 58-A. — After section 58 of the principal Act, the following section shall be inserted, namely: —

«58-A. Bar on appearance by Pleadors.

Notwithstanding anything contained in this Act or any law for the time being in force, no pleader shall be entitled to appear on behalf of any party in any proceedings under this Act before the Mamlatdar, or the Collector:

Provided that the Mamlatdar, or the Collector may, in the interests of justice and for reasons to be recorded in writing, allow the parties to be represented at their own cost by a pleader:

Provided, further, that pleader's fees shall not be allowed as part of the costs in any such proceedings:

Provided also that if any officer of Government is appointed or declared by a competent court or is authorised under any law for the time being in force as a guardian, administrator or manager of the property of a person who is under a legal disability or is incompetent or unable to manage or to act, such Officer shall be entitled to appear through a representative authorised by him in writing in this behalf in any proceedings before the Mamlatdar, or the Collector.

Explanation: — For the purpose of this section the expression «pleader» includes an advocate, attorney,

Vakil or any other legal practitioner but does not include a representative of Farmers Association».

17. Insertion of new sections 60-A and 60-B. — After section 60 of the principal Act, the following sections shall be inserted, namely: —

«60-A. Offences under the Act to be cognizable and compoundable:

Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898) —

(a) every offence under this Act shall be cognizable; and

(b) every such offence may, with the permission of the Court, be compoundable.

«60-B. Offences by Companies.

Where a person committing an offence under this Act is a company, or other body corporate, or an association of persons (whether incorporated or not) every Director, Manager, Secretary, Agent or other Officer or person concerned with the management thereof, shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence».

Secretariat
Panjim,

November 7, 1966.

P. B. VENKATASUBRAMANIAN
Secretary to the Government of Goa,
Daman and Diu